

TO: MEMBERS OF THE LABOR & PUBLIC EMPLOYEES COMMITTEE  
FROM: ROBERT SHEA for the ASSOCIATION OF MANAGERIAL  
EMPLOYEES IN CONNECTICUT STATE SERVICE (AMECSS)  
DATE: MARCH 2, 2010

RE: PLEASE SUPPORT HOUSE BILL 5058: AN ACT CONCERNING  
THE RIGHT TO ORGANIZE FOR CERTAIN STATE EMPLOYEES

Our firm represents the Association of Managerial Employees in Connecticut State Service (AMECSS).

The members of AMECSS continue to seek the right to organize and collectively bargain with their state agency employers regarding terms and conditions of employment, a right enjoyed by a large portion of the state's professional workforce. All state employees who are currently represented in collective bargaining have a voice, through SEBAC and their unions, in the future of how we serve the public. Working cooperatively with agencies, state managers can help develop plans and workplace strategies to improve the services offered to their clients. We respectfully contend that collective bargaining and collaborative planning are the key to maximizing service and should be expanded and embraced throughout state workplaces.

Some lawmakers inquire whether or not it is appropriate for certain managers to have the right to collectively bargain as "employees", because these managers should be representing the employer. This is a very good question; and we believe that the fair response is that House Bill 5058 continues to maintain a fair distinction between the "employer" who represents the state agency and the "employee" who can organize and collectively bargain. Moreover, municipal managers and administrators have been included in collective bargaining, both separately and together with other non-supervisory employees, without conflict.

The bill maintains the definition of "an employer" under section 5-270 to include the state agencies as employers *and any person or persons designated by the employer to act in its interest in dealing with employees.* In addition, the bill also defines state agency "bureau heads" and states that bureau heads shall not be employees for the purpose of collective bargaining. The bill also states that "confidential employees" – employees who have confidential information used in collective bargaining --shall not be employees for the purpose of collective bargaining. Accordingly, we believe that the HB 5058 provides a nice balance: allowing many state managers to organize and collectively bargain if they wish, while at the same time allowing the state agency employers to keep a sufficient number of high-ranking people in the management ranks to represent the employer's interests in collective bargaining and workplace matters with the agency's employees.

Notwithstanding the successful municipal experience, there have been questions as to whether the managers could or should be in the same bargaining unit as the non-manager employees. Good question.

Existing law under CGS section 5-275(b) states in relevant part that a board shall not certify a unit which *"includes both professional and nonprofessional employees, unless a majority of such professional employees vote for inclusion in such unit."* As a practical matter, HB 5058 would enable a bargaining unit which would include professional (ie.managerial) employees only, and none of the concerns related to potential conflicts of interest would arise. AMECSS is simply seeking the same rights and benefits to bargain which are enjoyed by many other state employees.

Thanks very much for your consideration of House Bill 5058.